

Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

“Secretary of Commerce” and “Department of Commerce” substituted in text for “Secretary of the Interior” and “Department of the Interior” in view of: creation of National Oceanic and Atmospheric Administration in Department of Commerce and Office of Administrator of such Administration; abolition of Bureau of Commercial Fisheries in Department of the Interior and Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in Secretary of the Interior or Department of the Interior which were administered through Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5.

“Coast Guard” substituted in text for “Revenue Cutter Service” on authority of act Jan. 28, 1915, which combined Revenue Cutter Service and Life-Saving Service to form Coast Guard. That act was repealed by section 20 of act Aug. 4, 1949, section 1 of which reestablished Coast Guard by enacting Title 14, Coast Guard.

Coast Guard transferred to Department of Transportation and all functions, powers, and duties, relating to Coast Guard, of Secretary of the Treasury and of other offices and officers of Department of the Treasury transferred to Secretary of Transportation by section 6(b)(1) of Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 938. See section 108 of Title 49, Transportation.

Functions of all officers of Department of the Treasury, and functions of all agencies and employees of such Department, transferred, with certain exceptions, to Secretary of the Treasury, with power vested in him to authorize their performance or performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5. Customs Service, referred to in this section, was a service under Department of the Treasury, and Coast Guard, also referred to in this section, was generally a service under such Department, but such Plan excepted, from transfer, functions of Coast Guard, and of Commandant thereof, when Coast Guard was operating as a part of the Navy under sections 1 and 3 of Title 14, Coast Guard.

Reorg. Plan No. III of 1940, §3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232, set out in the Appendix to Title 5, Government Organization and Employees, consolidated Bureau of Fisheries and Bureau of Biological Survey with their respective functions into one agency in Department of the Interior to be known as Fish and Wildlife Service, and provided that functions of the consolidated agency shall be administered under direction and supervision of Secretary of the Interior.

Reorg. Plan No. II of 1930, set out in the Appendix to Title 5, transferred Bureau of Fisheries in Department of Commerce and its functions to Department of the Interior, to be administered under direction and supervision of Secretary of the Interior.

CHAPTER 12—FEDERAL REGULATION AND DEVELOPMENT OF POWER

SUBCHAPTER I—REGULATION OF THE DEVELOPMENT OF WATER POWER AND RESOURCES

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| Sec. | Repealed. |
| 791. | Short title. |
| 792. | Federal Power Commission; creation; number; appointment; term; qualifications; vacancies; quorum; chairman; salary; place of holding sessions. |
| 793. | Appointment of officers and employees of Commission; duties, and salaries; detail of officers and employees from other departments; expenditures authorized. |
| 793a to 795. | Repealed or Omitted. |
| 796. | Definitions. |
| 797. | General powers of Commission. <ul style="list-style-type: none"> (a) Investigations and data. (b) Statements as to investment of licenses in projects; access to projects, maps, etc. (c) Cooperation with executive departments; information and aid furnished Commission. (d) Publication of information, etc.; reports to Congress. (e) Issue of licenses for construction, etc., of dams, conduits, reservoirs, etc. (f) Preliminary permits; notice of application. (g) Investigation of occupancy for developing power; orders. |
| 797a. | Congressional authorization for permits, licenses, leases, or authorizations for dams, conduits, reservoirs, etc., within national parks or monuments. |
| 797b. | Duty to keep Congress fully and currently informed. |
| 797c. | Dams in National Park System units. |
| 797d. | Third party contracting by FERC. <ul style="list-style-type: none"> (a) Environmental impact statements. (b) Environmental assessments. (c) Effective date. |
| 798. | Purpose and scope of preliminary permits; transfer and cancellation. |
| 799. | License; duration, conditions, revocation, alteration, or surrender. |
| 800. | Issuance of preliminary permits or licenses. <ul style="list-style-type: none"> (a) Preference. (b) Development of water resources by United States; reports. (c) Assumption of project by United States after expiration of license. |
| 801. | Transfer of license; obligations of transferee. |
| 802. | Information to accompany application for license; landowner notification. |
| 803. | Conditions of license generally. <ul style="list-style-type: none"> (a) Modification of plans; factors considered to secure adaptability of project; recommendations for proposed terms and conditions. (b) Alterations in project works. (c) Maintenance and repair of project works; liability of licensee for damages. (d) Amortization reserves. (e) Annual charges payable by licensees; maximum rates; application; review and report to Congress. (f) Reimbursement by licensee of other licensees, etc. (g) Conditions in discretion of commission. (h) Monopolistic combinations; prevention or minimization of anti-competitive conduct; action by Commission regarding license and operation and maintenance of project. |

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| <p>Sec.</p> <p>(i) Waiver of conditions.</p> <p>(j) Fish and wildlife protection, mitigation and enhancement; consideration of recommendations; findings.</p> <p>804. Project works affecting navigable waters; requirements insertable in license.</p> <p>805. Participation by Government in costs of locks, etc.</p> <p>806. Time limit for construction of project works; extension of time; termination or revocation of licenses for delay.</p> <p>807. Right of Government to take over project works.</p> <p>(a) Compensation; condemnation by Federal or State Government.</p> <p>(b) Relicensing proceedings; Federal agency recommendations of take over by Government; stay of orders for new licenses; termination of stay; notice to Congress.</p> <p>808. New licenses and renewals.</p> <p>(a) Relicensing procedures; terms and conditions; issuance to applicant with proposal best adapted to serve public interest; factors considered.</p> <p>(b) Notification of intention regarding renewal; public availability of documents; notice to public and Federal agencies; identification of Federal or Indian lands included; additional information required.</p> <p>(c) Time of filing application; consultation and participation in studies with fish and wildlife agencies; notice to applicants; adjustment of time periods.</p> <p>(d) Adequacy of transmission facilities; provision of services to successor by existing licensee; tariff; final order; modification, extension or termination of order.</p> <p>(e) License term on relicensing.</p> <p>(f) Nonpower use licenses; recordkeeping.</p> <p>809. Temporary use by Government of project works for national safety; compensation for use.</p> <p>810. 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Declaration of policy; application of subchapter.</p> <p>(a) Federal regulation of transmission and sale of electric energy.</p> <p>(b) Use or sale of electric energy in interstate commerce.</p> <p>(c) Electric energy in interstate commerce.</p> <p>(d) "Sale of electric energy at wholesale" defined.</p> <p>(e) "Public utility" defined.</p> <p>(f) United States, State, political subdivision of a State, or agency or instrumentality thereof exempt.</p> <p>(g) Books and records.</p> <p>824a. 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<p>Sec.</p> <p>(g) Judicial review and enforcement. (h) Commission enforcement. (i) Federal contracts. (j) New dams and diversions. (k) "New dam or diversion" defined. (l) Definitions.</p> <p>824a-4. Seasonal diversity electricity exchange. (a) Authority. (b) Permit. (c) Timely acquisition by other means. (d) Payments by permittees. (e) Federal law governing Federal lands.</p> <p>824b. Disposition of property; consolidations; purchase of securities. (a) Authorizations. (b) Orders of Commission.</p> <p>824c. Issuance of securities; assumption of liabilities. (a) Authorization by Commission. (b) Application approval or modification; supplemental orders. (c) Compliance with order of Commission. (d) Authorization of capitalization not to exceed amount paid. (e) Notes or drafts maturing less than one year after issuance. (f) Public utility securities regulated by State not affected. (g) Guarantee or obligation on part of United States. (h) Filing duplicate reports with the Securities and Exchange Commission.</p> <p>824d. Rates and charges; schedules; suspension of new rates; automatic adjustment clauses. (a) Just and reasonable rates. (b) Preference or advantage unlawful. (c) Schedules. (d) Notice required for rate changes. (e) Suspension of new rates; hearings; five-month period. (f) Review of automatic adjustment clauses and public utility practices; action by Commission; "automatic adjustment clause" defined.</p> <p>824e. Power of Commission to fix rates and charges; determination of cost of production or transmission. (a) Unjust or preferential rates, etc.; statement of reasons for changes; hearing; specification of issues. (b) Refund effective date; preferential proceedings; statement of reasons for delay; burden of proof; scope of refund order; refund orders in cases of dilatory behavior; interest. (c) Refund considerations; shifting costs; reduction in revenues; "electric utility companies" and "registered holding company" defined. (d) Investigation of costs.</p> <p>824f. Ordering furnishing of adequate service.</p> <p>824g. Ascertainment of cost of property and depreciation. (a) Investigation of property costs. (b) Request for inventory and cost statements.</p> <p>824h. References to State boards by Commission. (a) Composition of boards; force and effect of proceedings. (b) Cooperation with State commissions. (c) Availability of information and reports to State commissions; Commission experts.</p> <p>824i. Interconnection authority. (a) Powers of Commission; application by State regulatory authority. (b) Notice, hearing and determination by Commission.</p>	<p>Sec.</p> <p>(c) Necessary findings. (d) Motion of Commission. (e) Definitions.</p> <p>824j. Wheeling authority. (a) Transmission service by any electric utility; notice, hearing and findings by Commission. (b) Reliability of electric service. (c) Replacement of electric energy. (d) Termination or modification of order; notice, hearing and findings of Commission; contents of order; inclusion in order of terms and conditions agreed upon by parties. (e) "Facilities" defined.</p> <p>824k. Orders requiring interconnection or wheeling. (a) Rates, charges, terms, and conditions for wholesale transmission services. (b) Repealed. (c) Issuance of proposed order; agreement by parties to terms and conditions of order; approval by Commission; inclusion in final order; failure to agree. (d) Statement of reasons for denial. (e) Savings provisions. (f) Effective date of order; hearing; notice; review. (g) Prohibition on orders inconsistent with retail marketing areas. (h) Prohibition on mandatory retail wheeling and sham wholesale transactions. (i) Laws applicable to Federal Columbia River Transmission System. (j) Equitability within territory restricted electric systems. (k) ERCOT utilities.</p> <p>824l. Information requirements. (a) Requests for wholesale transmission services. (b) Transmission capacity and constraints.</p> <p>824m. Sales by exempt wholesale generators.</p> <p>824n. Authority relating to formation and operation of regional transmission organizations.</p> <p>SUBCHAPTER III—LICENSEES AND PUBLIC UTILITIES; PROCEDURAL AND ADMINISTRATIVE PROVISIONS</p> <p>825. Accounts and records. (a) Duty to keep. (b) Access to and examination by the Commission. (c) Controlling individual.</p> <p>825a. Rates of depreciation; notice to State authorities before fixing.</p> <p>825b. Requirements applicable to agencies of United States.</p> <p>825c. Periodic and special reports; obstructing filing reports or keeping accounts, etc.</p> <p>825d. Officials dealing in securities. (a) Benefits; making or declaring dividends out of capital account. (b) Interlocking directorates. (c) Statement of prior positions; definitions.</p> <p>825e. Complaints.</p> <p>825f. Investigations by Commission. (a) Scope. (b) Attendance of witnesses and production of documents. (c) Resort to courts of United States for failure to obey subpoena; punishment. (d) Testimony by deposition. (e) Deposition of witness in a foreign country.</p>
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- (f) Deposition fees.
- 825g. Hearings; rules of procedure.
- 825h. Administrative powers of Commission; rules, regulations, and orders.
- 825i. Appointment of officers and employees; compensation.
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- (a) Forfeiture.
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- 825o. Penalties for violations; applicability of section.
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- 825s. Sale of electric power from reservoir projects; rate schedules; preference in sale; construction of transmission lines; disposition of moneys.
- 825s-1. Southwestern area sale and transmission of electric power; disposition of receipts; creation of continuing fund; use of fund.
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- 825t. Utilization of power revenues.
- 825u. Interest rate on power bonds held by Administrator of General Services.

SUBCHAPTER IV—STATE AND MUNICIPAL WATER CONSERVATION FACILITIES

828. Facilitation of development and construction of water conservation facilities; exemption from certain Federal requirements.
- 828a. Definitions.
- 828b. Exemption from formula, books and records, and project cost statement requirements; annual charges.
- 828c. Applicability of this subchapter.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 21b, 47b, 47f, 90d-4, 108, 158, 197, 201b, 204f, 205a, 207a, 221b, 342b, 391, 391b-1, 402e, 403b, 404b, 405, 407b, 408b, 410b, 435, 459a-1, 460m-11, 460m-21, 460ee, 460gg-2, 460ii-3, 460iii-3, 545b, 577b, 698v-7, 824a-1, 824a-3, 832h, 833g, 836, 839e, 1278, 2603, 2705, 3215 of this title; title 15 section 790a; title 25 section 326; title 30 section 621; title 33 section 467a; title 42 sections 2019, 7172, 7173, 7473, 7651b; title 43 sections 617d, 617e, 617k, 617l, 1634, 1761.

SUBCHAPTER I—REGULATION OF THE DEVELOPMENT OF WATER POWER AND RESOURCES

CODIFICATION

Section 212 of act of Aug. 26, 1935, ch. 687, 49 Stat. 847, provided that sections 1 to 29 of the Federal Water Power Act, as amended (sections 792, 793, 794 to 797, 798 to 818, 819, and 820 to 823 of this title) shall constitute part I of the act. Said section 212 also repealed sections 25 and 30 of the act (sections 819, 791 of this title). It also contained a proviso as follows: "That nothing in that Act, as amended, shall be construed to repeal or amend the provisions of the amendment to the Federal Water Power Act approved March 3, 1921 (41 Stat. 1353 [section 797a of this title]), or the provisions of any other Act relating to national parks and national monuments."

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 797b, 797c, 797d, 824a-3, 825o, 2705, 3215 of this title; title 42 section 7172; title 43 sections 1555, 1634, 1761.

§ 791. Repealed. Aug. 26, 1935, ch. 687, title II, § 212, 49 Stat. 847

Section, act June 10, 1920, ch. 285, § 30, 41 Stat. 1077, designated the act as The Federal Water Power Act.

§ 791a. Short title

This chapter may be cited as the "Federal Power Act".

(June 10, 1920, ch. 285, pt. III, § 321, formerly § 320, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 863; renumbered Pub. L. 95-617, title II, § 212, Nov. 9, 1978, 92 Stat. 3148.)

CODIFICATION

Section was enacted as part of part III of the Federal Power Act, and not as part of part I of that Act which comprises this subchapter.

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-575, § 1, Nov. 15, 1990, 104 Stat. 2834, provided that: "This Act [enacting section 2243 of Title 42, The Public Health and Welfare, amending sections 796 and 824a-3 of this title and sections 2014, 2061, 2201, and 2284 of Title 42, and enacting provisions set out as a note under section 796 of this title] may be cited as the 'Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990'."

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-473, § 1, Oct. 6, 1988, 102 Stat. 2299, provided that: "This Act [amending section 824e of this title and enacting provisions set out as notes under section 824e of this title] may be cited as the 'Regulatory Fairness Act'."

SHORT TITLE OF 1986 AMENDMENT

Pub. L. 99-495, § 1(a), Oct. 16, 1986, 100 Stat. 1243, provided that: "This Act [enacting sections 797b and 823b of this title, amending sections 797, 800, 802, 803, 807, 808, 817, 823a, 824a-3, and 824j of this title, and enacting provisions set out as notes under sections 797, 803, 823a, 824a-3, and 825h of this title] may be cited as the 'Electric Consumers Protection Act of 1986'."

§ 792. Federal Power Commission; creation; number; appointment; term; qualifications; vacancies; quorum; chairman; salary; place of holding sessions

A commission is created and established to be known as the Federal Power Commission (here-